

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MORGANNE MILES, by her mother **KRYSTAL TITUS**, et al.,

Plaintiffs,

08 CV 432 (PAC)

- against -

ECF CASE

MICHAEL O. LEAVITT, as Secretary of the United
States Department of Health and Human Services,

Defendant.
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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declarations of Krystal Miles, Amy Margaret McCutchin, and Sunny Chan and the Memorandum in Opposition to Defendant's Motion to Dismiss and in Support of Plaintiffs' Motion for Summary Judgment, Plaintiffs, by their attorneys listed below, will move this Court before Hon. Paul A. Crotty for an Order pursuant to Fed. R. Civ. P. 56 granting summary judgment to Plaintiffs.

Dated: Rochester, New York
April 16, 2008

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s/ Bryan D. Hetherington

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